

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62934 of 2023

Arising Out of PS. Case No.-136 Year-2022 Thana- ARER District- Madhubani

1. MAKUNTALA DEVI Wife of Pancha Mukhiya R/o vill - Kushmaul, P.s. - Arer, Distt. - Madhubani
2. Mahiya Devi @ Mantoriya Devi Wife of Mangal Mukhiya R/o vill - Kushmaul, P.s. - Arer, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-10-2023 Heard Mr. Bhavesh Kumar Sah, learned counsel for the petitioners and Mr. Dilip Kumar No. 1, learned APP for the State.

2. Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 272,273,34 and 30(a) of the Bihar Excise and Prohibition Act.

3. Altogether two litres of country made liquor is said to have been recovered from the house of co-accused Mangal Mukhiya. Seeing the police, petitioners are said to have fled away from the spot.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely



implicated in this case at the instance of their enemies. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. They have been made accused in the present case merely because they are daughter-in-law and wife of the apprehended co-accused, respectively. Petitioners have no criminal antecedent mentioned in para-3 of the bail application.

5. Petitioners are agreed to deposit a sum of Rs.5,000.00/- (Rupees Five Thousand) **each** in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Considering the aforesaid facts and circumstances, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Arer P.S. Case No.136 of 2022, subject to the



condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bonds of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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